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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA
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13 ALBERTO PASTRANA,

14 Plaintiff,

15 v.
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17 LOCAL 9509, COMMUNICATIONS
18 WORKERS OF AMERICA, AFL-CIO, a
19 Labor Organization; et al.,

20 Defendants.

CASE No: 06-CV-1779 W(AJB)

**ORDER DENYING EX PARTE
APPLICATION FOR LEAVE
TO FILE MOTION FOR
RECONSIDERATION [DOC.
NO. 96]**


21 Pending before the Court is Plaintiff's ex parte application for leave to file a motion
22 for reconsideration from this Court's November 20, 2008 order granting in-part and
23 denying in-part Defendants' summary-judgment motions. Plaintiff's request is not based
24 on new evidence or a change in controlling law. Rather, the request is based on the
25 contention that the Court erred in dismissing Plaintiff's second cause of action for
26 violation of Penal Code § 290.46, and for limiting Plaintiff's damages based on the after-
27 acquired evidence defense.
28

06cv1779W

1 Having reviewed the moving papers, the Court disagrees with Plaintiff's contention
2 for the reasons explained in the November 20, 2008 order. Accordingly, the Court
3 **DENIES** the ex parte application. (Doc. No. 96.)
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5 **IT IS SO ORDERED.**
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7 **DATE: December 22, 2008**
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9 **HON. THOMAS J. WHELAN**
10 United States District Court
11 Southern District of California
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